



# BE CODE SMART

The best way to protect yourself from discrimination and from complaints  
is to know and respect *The Saskatchewan Human Rights Code*.

## How to File a Complaint

***“...every person is free and equal in dignity and rights...”***

- section 3, *The Saskatchewan Human Rights Code*

### Making a Complaint

*The Saskatchewan Human Rights Code* protects your right to equality without discrimination based on the protected grounds of **disability, age (18 or more), religion or religious creed, family status, marital status, sex, sexual orientation, race or perceived race, nationality, place of origin, ancestry, colour, or receipt of public assistance**.

It's against the law for someone to discriminate against you for any of these reasons in **contracts, education, employment, housing, professional trades and associations, publications, purchase of property, occupations, trade unions or public services**.

If you think someone has discriminated against you, **you may make a complaint within two years of the incident**. Contact our office and explain your situation to an intake consultant. You will be asked to fill out an intake questionnaire. If you need assistance completing the form, we will be happy to help you. An intake consultant will then assess your inquiry and let you know if we can proceed.

You will be asked to sign a complaint form if:

- the discrimination is based on any of the reasons listed above;
- your complaint involves an activity covered by the *Code*; and
- there's reason to believe the discrimination occurred.

Your complaint is official once you sign the complaint form.

### What Happens Next?

The *Code* allows the Commission to tailor its process to the needs of each case. As the person making the complaint, you are the **complainant**.

Once we receive your signed complaint, we will contact the other party, the **respondent**, to hear their side of the story. We may then try to resolve the complaint through mediation, investigate the complaint or send it to a hearing.

The Commission can defer action if the Chief Commissioner believes an alternative process, such as a union grievance, would be more appropriate. You are also entitled to withdraw your complaint at any time.

## **Mediation and Settlement**

Parties can resolve complaints through mediation or settlement at any stage in the process – before or at intake, during or after an investigation. In many cases, these negotiations provide a faster, more co-operative method of resolving complaints than investigations or hearings.

## **Investigation**

In an investigation, an impartial investigator talks to witnesses and examines records to find out what happened. The investigator then refers the case to the Chief Commissioner who decides whether the case should be mediated, dismissed, sent to a hearing, or dealt with in another way.

## **The Saskatchewan Human Rights Tribunal**

If necessary, the Commission will send the complaint to a Saskatchewan Human Rights Tribunal for a hearing and decision. The Tribunal is independent and separate from the Commission. It sets its own rules for pre-hearing conferences and other procedures. The Commission's lawyer will present the case, although you can hire your own lawyer if you wish. Tribunal decisions can be appealed to the court system on questions of law.

## **Dismissal**

The Chief Commissioner can dismiss complaints on the basis of reasons set out in the *Code*. A complainant who disagrees with a decision to dismiss a complaint can ask the Tribunal to hear the case. If the Tribunal agrees to a hearing, the complainant will be responsible for presenting the case, either in person or through a lawyer.

## **How You Can Help**

There are many ways you can help us deal with your complaint.

- Keep notes and records of what happened.
- Prepare a list of witnesses you think we should interview, including addresses and telephone numbers if possible.
- Keep in touch with Commission staff.
- Inform us of any changes to your address or telephone number.

*This fact sheet was updated November 2007.*